

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

**THURSDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE**

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

-

WRIT PETITION NO : 11159 of 1995

Between:

1 M.A.RAFI S/O M.A.ALEEM R/O 10-3-282/2/A/8/30,ASIFNAGAR

HUMAYUN NAGAR, HYDERABAD.

2 SHAIK MOHAMAD S/O SHAIKH WALI, R/O 10-3-282/2/A/8/9

ASIFNAGAR HUMYANNAGAR, HYDERABAD.

3 MOHD. UMARUDDIN S/O MOHD.IMAMUDDIN, R/O 10-3-282/2/A/8/7

ASIFNAGAR HUMYAN NAGAR, HYDERABAD

4 MOHAMOD PASHA S/O AHMED PASHA, R/O 10-3-282/2/A/8/8

ASIFNAGAR HUMAYUNNAGAR, HYDERABAD.

5 MOHD.ABDUL QUDER S/O KHAJA NAZEEEDUDDIN
R/O 10-3-282/2/A/8/30/1 ASIFNAGAR,

HUMAYUNNAGAR, HYDERABAD

6 SYED NAIMUTULLAH HUSSAINI S/O SYED NALEEULLAH HUSSAINI
R/O 10-3-282/2/A/8/8/A ASIFNAGAR, HYDERABAD.

7 FAIYAZUDDIN S/O MIRZA QURSHI ALI BAIG, H.NO: 10-3-282/2/A/8/27

ASIFNAGAR, HYDERABAD.

8 SHAIK ABDUL ALEEM S/OSHAIK ABDUL QUADER,10-3-282/2/A/8/24/4

ASIFNAGAR, HYDERABAD

9 M.HIDAYATULLAH S/O OSMAN, R/O 10-3-282/2/A/8/13 ASIFNAGAR
HYDERABAD

10 M.YOUSUS S/O ISMAIL, R/O 10-3-282/2/A/8/16 ASIF NAGAR
HYDERABAD.

11 SHAIK YOUNUS PASHA S/O SHAIK AHMED PASHA,
R/O 10-3-282/2/A/8/18&19 ASIFNAGAR, HYDERABAD

12 SHAIK ALIBIN ABDULLAH BASHEB S/O BIN ABDULLAH

- R/O 10-3-282/2/A/8/20&21 ASIF NAGAR, HYDERABAD
- 13 M.A.AZIZ S/O M.A.ALEEM, R/O 10-3-282/2/A/8/29 ASIFNAGAR
HYDERABAD.
- 14 MOHD.ALI KHAN S/O NANHE KHAN, R/O 10-3-282/2/A/8/11
- ASIFNAGAR, HYDERABAD
- 15 BASHEER AHMED S/O SHAIK AHMED, R/O 10-3-282/2/A/8/15
- ASIFNAGAR, HYDERABAD.
- 16 G.VENKATESHWARA RAO S/O RANGANAIKULU, R/O 10-3-
282/2/A/8/3/1 ASIFNAGAR, HYDERABAD
- 17 MOHD.HAMEEDULLAH S/O ABDUL QUADER
R/O 10-3-282/2/A/8/3 ASIFNAGAR, HYDERABAD
- 18 THIRUPATHAIAH S/O NARSIMHAM, R/O 10-3-282/2/A/8/1,
- ASIFNAGAR, HYDERABAD
- 19 MOHD.SAMI S/O MOHD.ISMAIL, R/O 10-3-282/2/A/8/12 ASIFNAGAR,
HYDERABAD
- 20 SHAMEEM BANU D/O MOHD. NANNEF
R/O 10-3-282/2/A/5 ASIF NAGAR, HYDERABAD
- 21 SMT. FAQURUNNISA BEGUM W/O MOHD. FAZIL
R/O 10-3-282/2/A/8/14 ASIF NAGAR, HYDERABAD
- 22 E.MOTILAL S/O B.DEVULA, R/O 10-3-282/2/A/8/23 ASIFNAGAR
HYDERABAD
- 23 P.MD.ALISKEEN S/O P.NABI, R/O 10-3-282/2/A/8/4 ASIFNAGAR
HYDERABAD.
- 24 C.ABDUL QUADER S/O MD.JAFFAR, R/O 10-3-282/2/A/8/13-B
- ASIFNAGAR, HYDERABAD.
- 25 MD.MAQBOOL AHMED S/O LATE MD. ALI JANY
R/O 10-3-282/2/A/8/25 ASIFNAGAR, HYDERABAD.
- 26 MD.TANVEER AHMED KHAN S/O MD.FAZAL KHAN
R/O 10-3-282/2/A/8/24/1 ASIFNAGAR, HYDERABAD
- 27 MD.YASEEN KHAN S/O MD.ISMAIL KHAN
R/O 10-3-282/2/A/8/10 ASIFNAGAR, HYDERABAD.
- 28 SMT.AMEER SULTANA W/O SHARFUDDIN
R/O 10-3-282/2/A/8/35 ASIFNAGAR, HYDERABAD.
- 29 C.H.JAYA RAO S/O BASAVAIAH, R/O 10-3-282/2/A/8/35-A ASIF
NAGAR, HYDERABAD.
- 30 SHAIK KHAN MD. S/O SHAIK MOHD., R/O 10-3-282/2/A/8/34,
- ASIFNAGR, HYDERABAD.
- 31 SMT.QURSHID BEGUM W/O INAYAT-UR-RAHAM
R/O 10-3-282/2/A/8/7/A ASIF NAGAR, HYDERABAD.

..... PETITIONERS

AND

1 GOVERNMENT OF A.P REP.BY ITS SECRATARY REVENUE

DEPARTMENT, SECRETARIAT HYDERABAD.

2 THE DISTRICT COLLECTOR, HYDERABAD.

3 THE MANDAL REVENUE OFFICER, GOLCONDA MANUAL,

HYDERABAD.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to ISSUE A WRIT DIRECTION OR ORDER IN THE NATURE OF MANDAMUS DECLARING THE ACTION OF THE RESPONDENTS IN ISSUING THE PROCEEDINGS D/970/95 DT.1.6.95 AND THE CONSQUENTIAL NOTICES UNDER SEC.6 OF THE A.P LAND ENCROACHMENT ACT WITH REGARD TO THE LAND IN T.S.NO.1 PART WARD NO.23 BLOCK H OF ASIFNAGAR VILLAGE GOLCONDA MANDAL,AS ILLEGAL ARBITRARY AND UNJUSTIFIED.

Counsel for the Petitioners : MR.P.V.SANJAY KUMAR

Counsel for the Respondents : GP FOR REVENUE

The Court made the following :

-

ORDER :

The grievance of the petitioners was that they have been asked to evacuate from their lands and notices were served on them under the A.P.Land Encroachment Act, 1905. In the additional counter affidavit filed by the respondents, it is stated,

“With regard to the request of the petitioners made through their representation to regularise their illegal occupation on the basis of market value as on the date of encroachment i.e. 1970, is mis-conceived. It is submitted that as per the policy of the Government, regularization can be considered. It is submitted that as per the records the petitioner has not made any such application. If the petitioner makes any such application/representation, the same can be considered as per the Government policy.”

It is submitted by the learned Counsel for respondents that certain representations have been made and certain steps have already

been taken by the respondents to regularize the alleged encroachments, and with respect to certain petitioners, orders of regularization have already been passed, therefore he wants to pursue the matter with the respondents.

In view of the contention of the respondents that they are ready to consider regularization in accordance with the Policy of the Government, I do not think any further orders are necessary to be passed in this Writ Petition.

Writ Petition is accordingly disposed of. No order as to costs.

17th March 2005 BILAL NAZKI, J

ajr

// TRUE COPY //

SECTION OFFICER

To

- 1 The Secretary, Department of Revenue, Government of A.P., Secretariat, Hyderabad.
- 2 The District Collector, Hyderabad.
- 3 The Mandal Revenue Officer, Golconda Manual, Hyderabad..

3 Two C.Cs. to the GP for Revenue, High Court of A.P., Hyderabad (OUT)

4 Two C.D. copies.

Form-NIC-OGS/WP{MN}